

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 2, 6-11 and 14 are pending in this application. Claims 3, 4, 12, 13, 15, and 16 are herein canceled without prejudice. Claims 14-16 were rejected under 35 U.S.C. § 101. Claims 1-5, 8, 9, and 11-16 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2004/0047612 to Nagata et al. (herein "Nagata"). Claims 6, 7, and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagata in view of Official Notice. Those rejections are traversed by the present response as discussed next.

Addressing first the rejection of claims 14-16 under 35 U.S.C. § 101, claims 15 and 16 are herein canceled without prejudice, and claim 14 is amended to be more clearly directed to a "computer readable storage medium". In view of the presently submitted amendments claim 14 is believed to be clearly statutory under 35 U.S.C. § 101.

Addressing now the above-noted rejections based on Nagata, those rejections are traversed by the present response.

Independent claim 1 is herein amended to recite:

... a generator operable to generate program sequence information indicative of a) an interval in which the number of video and/or audio elementary streams in said transport stream does not change or b) an interval in which a coding attribute of each video and/or audio stream in said transport stream does not change . . .

Independent claims 11 and 14 are similarly amended as in independent claim 1. The features now clarified in independent claims 1, 11, and 14 are similar to features previously recited in dependent claims 3 and 5, and clarify what is indicated by the generated program sequence information. That is, as now clarified in the pending claims the generated program sequence information indicates either "a) an interval in which the number of video and/or audio elementary streams in said transport stream does not change or b) an interval in which a

coding attribute of each video and/or audio stream in said transport stream does not change”.

Such features are believed to clearly distinguish over Nagata.

With respect to the originally recited language directed to the generator, the outstanding rejection cited Nagata at paragraph [0148]¹. Paragraph [0148] of Nagata states:

[0148] Furthermore, in the case that the discontinuity indicator of a packet including the PCR [program clock reference] shows 1 during the GOP [group of picture] period, or in the case that a PID [packet ID] to be demultiplexed by an operational signal such as a user channel switching signal is changed to become discontinuous, the PCR value at that time is additionally written in the PES [packetized elementary stream] private data area.

Applicants submit the above-noted disclosure in Nagata is not directed to the features clarified in the claims. As quoted above, Nagata merely discloses when a discontinuity indicator of a packet or a packet ID is changed to be discontinuous, that will result in a PCR value being written. That disclosure in Nagata is not at all directed to the claimed features of providing information indicative of “a) an interval in which the number of video and/or audio elementary streams in said stream packet does not change” or “b) an interval in which a coding attribute of each video and/or audio stream in said transport stream does not change”. The claims clarify determining a ***non-change*** in such aspects related to ***video and/or audio streams***, and not to the noted discontinuities in Nagata.

Moreover, as noted above the features clarified in the independent claims are similar to features as previously recited in dependent claims 3 and 5.

With respect to the features originally recited in dependent claim 3 the outstanding rejection cited Nagata at paragraph [0149].² In reply to that grounds for rejection applicants note the additional disclosure in Nagata at paragraph [0149] is directed to realizing a fast-forward or a fast-rewind reproduction, and is not at all directed to indicating “an interval in

¹ Office Action of March 27, 2008, page 3, prenumbered paragraph 4.

² Office Action of March 27, 2008, page 3, prenumbered paragraph 6.

which the number of video and/or audio elementary stream in said transport stream does not change”, as was originally recited in dependent claim 3 and is now recited in the independent claims.

Further, with respect to original dependent claim 5 the outstanding rejection cited Nagata at paragraph [0114].³ In reply to that grounds for rejection, that disclosure in paragraph [0114] of Nagata merely notes use of a STC counter, but appears completely unrelated to the previously recited feature in dependent claim 5 of providing program sequence information indicative of “an interval in which a coding attribute of each video and/or audio stream in said transport stream does not change”, as now recited in the independent claims.

In view of the foregoing comments applicants respectfully submit each of amended independent claims 1, 11, and 14 as currently written, and thereby the claims dependent therefrom, positively recite features neither taught nor suggested by Nagata.

Further, applicants also traverse the basis for Official Notice with respect to dependent claims 6, 7, and 10 and require that prior art be cited for that position. In that respect applicants note those claims recite specific coding attributes for which an interval of no change can be indicated in program sequence information. Applicants submit the basis for the Official Notice does not even address to one of ordinary skill in the art generating information indicative of an interval in which a “video frame frequency” (claim 6), an “aspect ratio” (claim 7), or a “sampling frequency” (claim 10) of each of video and/or audio streams in a transport stream has not changed. Thereby, that further Official Notice is traversed and again prior art is required to be cited for the position for which Official Notice was previously taken.

³ Office Action of March 27, 2008, page 4, prenumbered paragraph 8.

In view of the present response, applicants respectfully submit the claims as currently written positively recites features neither taught nor suggested by the previously applied art to Nagata.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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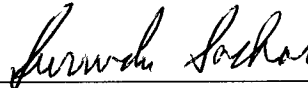
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